

To: Fine, Steven[fine.steven@epa.gov]
From: Benton, Donald
Sent: Fri 2/3/2017 12:23:39 PM
Subject: Improper apps

Steve, The media reports are disturbing if true. Is there a way to detect the downloading of apps forbidden by EPA policy? Can our systems be scanned for such apps?

See clip from Bulletin below:

Conservative Group Seeks Information From EPA On Reported Use Of Messaging App. The Washington Times (2/2, Swoyer) reports that Cause of Action, “a conservative watchdog group,” has filed a FOIA request with the EPA “demanding the agency explain whether its employees are using encrypted messaging apps to communicate about President Trump’s environmental agenda outside of regular government channels.” The request follows a Politico report that some EPA employees are using an app called Signal, “which encrypts messages to make it more difficult to hack,” to discuss business.

Please let me know,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Reeder, John[Reeder.John@epa.gov]
From: Benton, Donald
Sent: Thur 2/2/2017 7:44:27 PM
Subject: RE: Federal workers turn to encryption to thwart Trump

Thanks John

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Reeder, John
Sent: Thursday, February 2, 2017 10:04 AM
To: Schnare, David <schnare.david@epa.gov>; Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Federal workers turn to encryption to thwart Trump

Interesting thought David.

We have a system for "ideation" called GreenSpark, which facilitated broad scale employee engagement on a range of topics. What you suggest has significant differences with past use, but we could explore whether the technology platform itself would be useable for something like the DOS system.

Obviously much to discuss before actually launching such a thing...but for now I will explore options.

Thank you,

John E. Reeder

From: Schnare, David
Sent: Thursday, February 02, 2017 8:53 AM
To: Reeder, John <Reeder.John@epa.gov>; Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: RE: Federal workers turn to encryption to thwart Trump

We might need to seriously consider a “dissent” line like the one at State. It would give them an outlet, would provide insight into their concerns, would help spot miscommunications and bad rumors, and would demonstrate the openness with which this administration wishes to act.

dschnare

From: Reeder, John
Sent: Thursday, February 2, 2017 8:40 AM
To: Schnare, David <schnare.david@epa.gov>; Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: RE: Federal workers turn to encryption to thwart Trump

Received. We'll talk over this am.

From: Schnare, David
Sent: Thursday, February 02, 2017 8:20 AM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>; Reeder, John <Reeder.John@epa.gov>

Subject: FW: Federal workers turn to encryption to thwart Trump

Career SES needs to address this with gravity and speed. It needs to be done at the Division Director level.

dschnare

From: POLITICO Pro <politicoemail@politicopro.com>
Sent: Wednesday, February 1, 2017 8:12 PM
Subject: Federal workers turn to encryption to thwart Trump

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By Andrew Restuccia, Marianne LeVine and Nahal Toosi

02/01/2017 08:05 PM EDT

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From: Benton, Donald
Sent: Thur 2/2/2017 2:49:49 PM
Subject: RE: Federal workers turn to encryption to thwart Trump

Agreed. Please move quickly to insure this is not happening here.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

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From: Benton, Donald
Sent: Thur 2/2/2017 2:45:37 PM
Subject: RE: Federal workers turn to encryption to thwart Trump

John,

I think this is a good idea. Look into the details at State and lets model it after theirs. Someone in communications could be assigned to monitor and respond.

Maybe we can have

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



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To: Reeder, John <Reeder.John@epa.gov>; Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
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To: Kreutzer, David[kreutzer.david@epa.gov]
From: David Kreutzer
Sent: Thur 2/2/2017 2:03:12 PM
Subject: Fwd: Federal workers turn to encryption to thwart Trump

Sent from my iPhone

Begin forwarded message:

From: David Kreutzer <[REDACTED] Personal Email/Ex. 6>
Date: February 2, 2017 at 9:02:34 AM EST
To: Daniel Simmons <[REDACTED] Personal Email/Ex. 6>
Cc: David Schnare <[REDACTED] Personal Email/Ex. 6>
Subject: Re: Federal workers turn to encryption to thwart Trump

I think their logic is "We are going to break the law so we can shareinfo on anybody we think might be breaking the law."

Sent from my iPhone

On Feb 1, 2017, at 8:38 PM, Daniel Simmons <[REDACTED] Personal Email/Ex. 6> wrote:

These people are insane.

From: POLITICO Pro <politicoemail@politicopro.com>
Sent: Wednesday, February 1, 2017 8:12 PM
Subject: Federal workers turn to encryption to thwart Trump
To: <dsimmons@ierdc.org>

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By Andrew Restuccia, Marianne LeVine and Nahal Toosi

02/01/2017 08:05 PM EDT

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To: Kreutzer, David[kreutzer.david@epa.gov]
From: David Kreutzer
Sent: Thur 2/2/2017 4:40:20 AM
Subject: Fwd: Federal workers turn to encryption to thwart Trump

Sent from my iPhone

Begin forwarded message:

From: Daniel Simmons <[REDACTED] Personal Email/Ex. 6 >
Date: February 1, 2017 at 8:38:20 PM EST
To: David Schnare <[REDACTED] Personal Email/Ex. 6 >, David Kreutzer
<[REDACTED] Personal Email/Ex. 6 >
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From: POLITICO Pro <politicoemail@politicopro.com>
Sent: Wednesday, February 1, 2017 8:12 PM
Subject: Federal workers turn to encryption to thwart Trump
To: <dsimmons@ierdc.org>

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By Andrew Restuccia, Marianne LeVine and Nahal Toosi

02/01/2017 08:05 PM EDT

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One EPA employee even got a new, more secure cell phone, and another joked about getting a “burner phone.”

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To: Schnare, David[schnare.david@epa.gov]
Cc: Marlae Schnare; **Personal Email/Ex. 6**
From: David Schnare
Sent: Thur 2/2/2017 1:54:07 AM
Subject: Fwd: Federal workers turn to encryption to thwart Trump

Sent from my iPad

Begin forwarded message:

From: Daniel Simmons <**Personal Address/Ex. 6**>
Date: February 1, 2017 at 8:38:20 PM EST
To: David Schnare <Schnare@torcastlelaw.net>, David Kreutzer
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To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Benton, Donald[benton.donald@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Schnare, David[schnare.david@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Schwab, Justin
Sent: Tue 2/21/2017 6:25:33 PM
Subject: Re: OIG Matters Meeting Wednesday at 9:00AM

Hello Kevin - I am happy to attend.

Sent from my iPhone

On Feb 21, 2017, at 1:14 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Folks- Tomorrow morning at 9:00AM I have set up a meeting for the Inspector General and his senior team to come brief you on two items:

- 1) Matters they intend to brief the House Oversight and Government Reform Committee on at noon on Wednesday; and
- 2) Next steps in their inquiry into unauthorized apps such as Signal and What's App on EPA-issued mobile devices

Attorney-Client/Deliberative Process/Ex. 5

Feel free to call if you have questions: 202-564-5551. Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Schnare, David[schnare.david@epa.gov]; Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Benton, Donald[benton.donald@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Reeder, John
Sent: Fri 2/3/2017 1:44:06 PM
Subject: RE: Federal workers turn to encryption to thwart Trump

Good morning,

David, after receiving your note yesterday I explored options for responding. It's particularly difficult to formulate any communication that doesn't give this additional press attention. We are exploring the "apps" issue from an IT perspective, and Steve Fine has reviewed our policies. The bottom line is employees are not allowed to download "unapproved" apps to government equipment. However, we don't know from the press reports whether the reported activity was on employee's own time or own equipment. We might learn more this morning whether we can determine whether government equipment was used (I don't want to get ahead of Steve on this). In consultation with our internal comms team and others, we think that addressing the underlying issue (rather than apps) may be a wiser course, if we can somehow communicate that all existing channels for reporting anything unlawful remain available to employees (e.g., OIG hotline, EPA's elevation policy, Scientific Integrity Policy), without making reference to news reports (maybe obliquely, at most).

I know that Don has asked Steve a question about this too, so we may want to get the right folks in a room to talk over potential next steps.

The people that I've involved informally so far include Kevin Minoli, George & Nancy, and Steve Fine. Catherine and Mike are aware of the issue, but haven't been provided any updates/details as yet.

Let me know if you'd like to find some time this morning to gather a group.

John R

564 6082

From: Schnare, David
Sent: Thursday, February 02, 2017 8:20 AM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject: FW: Federal workers turn to encryption to thwart Trump

Career SES needs to address this with gravity and speed. It needs to be done at the Division Director level.

dschnare

From: POLITICO Pro <politicoemail@politicopro.com>
Sent: Wednesday, February 1, 2017 8:12 PM
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Jeff Ruch, the executive director of Public Employees for Environmental Responsibility, said EPA employees are in perhaps the “deepest pit of despair” among his group’s membership.

He said his group has been fielding calls on everything from what triggers a reduction in the federal workforce to how long they can carry health insurance benefits if they are pushed out.

To: Willis, Sharnett[Willis.Sharnett@epa.gov]
From: Schnare, David
Sent: Tue 2/21/2017 6:24:27 PM
Subject: FW: OIG Matters Meeting Wednesday at 9:00AM

Please sort this out.

d

From: Minoli, Kevin
Sent: Tuesday, February 21, 2017 1:14 PM
To: Benton, Donald <benton.donald@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schnare, David <schnare.david@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: OIG Matters Meeting Wednesday at 9:00AM

Hi Folks- Tomorrow morning at 9:00AM I have set up a meeting for the Inspector General and his senior team to come brief you on two items:

- 1) Matters they intend to brief the House Oversight and Government Reform Committee on at noon on Wednesday; and
- 2) Next steps in their inquiry into unauthorized apps such as Signal and What's App on EPA-issued mobile devices

Attorney-Client/Deliberative Process/Ex. 5

Feel free to call if you have questions: 202-564-5551. Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Reeder, John[Reeder.John@epa.gov]; Actadmmccabe, Catherine17[actadmmccabe.catherine17@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Benton, Donald[benton.donald@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Schnare, David
Sent: Fri 2/3/2017 2:27:05 PM
Subject: RE: Federal workers turn to encryption to thwart Trump

My concern is not about apps. I'm sure these are being used on personal phones, not government equipment. My concern is about the deeper problem – open rebellion by the staff. Our career managers need to get the staff's attention, need to tell them that elections have consequences, but explain that Mr. Pruitt is deeply committed to following the law and serving the interests of the public, specifically to protect public health and the environment. The staff have a duty to implement the President's program and they will have every opportunity to help shape that program, based on their knowledge and experience. Trust will grow out of experience with the new team, but destructive attitudes will be exactly that – destructive. That is not EPA's culture, never has been. If our SES can't get that message across, I'd like to know why.

d.

From: Reeder, John
Sent: Friday, February 3, 2017 8:44 AM
To: Schnare, David <schnare.david@epa.gov>; Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Federal workers turn to encryption to thwart Trump

Good morning,

David, after receiving your note yesterday I explored options for responding. It's particularly difficult to formulate any communication that doesn't give this additional press attention. We are exploring the "apps" issue from an IT perspective, and Steve Fine has reviewed our policies. The bottom line is employees are not allowed to download "unapproved" apps to government equipment. However, we don't know from the press reports whether the reported activity was on employee's own time or own equipment. We might learn more this morning whether we can determine whether government equipment was used (I don't want to get ahead of Steve on this). In consultation with our internal comms team and others, we think that addressing the underlying issue (rather than apps) may be a wiser course, if we can somehow communicate that all existing channels for reporting anything unlawful remain available to employees (e.g., OIG hotline, EPA's elevation policy, Scientific Integrity Policy), without making

reference to news reports (maybe obliquely, at most).

I know that Don has asked Steve a question about this too, so we may want to get the right folks in a room to talk over potential next steps.

The people that I've involved informally so far include Kevin Minoli, George & Nancy, and Steve Fine. Catherine and Mike are aware of the issue, but haven't been provided any updates/details as yet.

Let me know if you'd like to find some time this morning to gather a group.

John R

564 6082

From: Schnare, David
Sent: Thursday, February 02, 2017 8:20 AM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject: FW: Federal workers turn to encryption to thwart Trump

Career SES needs to address this with gravity and speed. It needs to be done at the Division Director level.

dschnare

From: POLITICO Pro <politicoemail@politicopro.com>
Sent: Wednesday, February 1, 2017 8:12 PM

Subject: Federal workers turn to encryption to thwart Trump

Federal workers turn to encryption to thwart Trump

By Andrew Restuccia, Marianne LeVine and Nahal Toosi

02/01/2017 08:05 PM EDT

Federal employees worried that President Donald Trump will gut their agencies are creating new email addresses, signing up for encrypted messaging apps and looking for other, protected ways to push back against the new administration's agenda.

Whether inside the EPA, within the Foreign Service, on the edges of the Labor Department or beyond, employees are using new technology as well as more old-fashioned approaches — such as private face-to-face meetings — to organize letters, talk strategy, or contact media outlets and other groups to express their dissent.

The goal is to get their message across while not violating any rules covering workplace communications, which can be monitored by the government and could potentially get them fired.

At the EPA, a small group of career employees — numbering less than a dozen so far — are using an encrypted messaging app to discuss what to do if Trump's political appointees undermine their agency's mission to protect public health and the environment, flout the law, or delete valuable scientific data that the agency has been collecting for years, sources told POLITICO.

Fearing for their jobs, the employees began communicating incognito using the app Signal shortly after Trump's inauguration. Signal, like WhatsApp and other mobile phone software, encrypts all communications, making it more difficult for hackers to gain access to them.

One EPA employee even got a new, more secure cell phone, and another joked about getting a "burner phone."

"I have no idea where this is going to go. I think we're all just taking it one day at a time and respond in a way that seems appropriate and right," said one of the EPA employees involved in the clandestine effort, who like others quoted in the story was granted anonymity to talk about the sensitive discussions.

The employee added that the goal is to "create a network across the agency" of people who will raise red flags if Trump's appointees do anything unlawful.

The White House did not immediately respond to a request for comment.

While many workers across the federal government are still in wait-and-see mode, the first

two weeks of the Trump administration — with its flurry of executive orders that have in some cases upended lives — have sent a sobering message to others who believe they must act now.

In recent days, career employees at the State Department gathered nearly 1,000 signatures for what's known as a "Dissent Channel" memo in which they express their anger over a Trump executive order that bars immigrants from seven Muslim-majority countries and halts refugee admissions to the country. The number of signatures was extraordinarily high, even though the letter was submitted after White House spokesman Sean Spicer essentially warned the dissenting diplomats they were risking their jobs.

The executive order on immigration and refugees caused widespread panic at airports, spurring protests and outrage around the world.

It also led to what has been the most high-profile act of defiance yet from a Trump administration official: Acting Attorney General Sally Yates on Monday ordered the Department of Justice's lawyers not to defend the order in court. Yates was fired that same night.

Current and former employees of the Labor Department, meanwhile, are using their private email accounts to send around a link to a letter asking senators to oppose the nomination of Andrew Puzder for the secretary of their agency. The employees may sign on to the letter using Google Docs. The letter will not be submitted to the Senate HELP Committee, and the signatures will not be made public, unless 200 current employees sign on.

A federal worker familiar with the letter's circulation said that it's being signed by hundreds of current and former DOL employees.

According to a [draft of the letter](#) obtained by POLITICO, the employees write that they have "serious concerns" about the fast-food magnate's willingness to protect the rights of workers given some of his past comments and actions.

The draft of the letter criticizes Puzder's comments about women, and cites some of his restaurants' advertisements which feature scantily clad women eating burgers in bikinis. Puzder has defended the ads.

"One of us once heard a colleague ask, quite seriously, whether it would violate workplace rules of civility and prohibitions against sexual harassment to view Mr. Puzder's ads on a government computer," the letter says. "We think the question is a good one."

The federal employees interviewed for this story stressed that they see themselves as non-partisan stewards of the government. But several also said they believe they have a duty to speak out if they feel a policy is undermining their mission.

Drafts of the Dissent Channel memo signed by the State Department employees insist, for instance, that instead of protecting U.S. national security through his new executive order

on refugees and immigrants, Trump is endangering the United States by bolstering the terrorists' narrative that the West hates Muslims.

"I think we all have to look within ourselves and say 'Where is that line that I will not cross?'" one Foreign Service officer said.

Since Trump was elected in November, many State Department employees have also met quietly for other reasons. Groups of Muslims who work at Foggy Bottom, for instance, have quietly held meetings to discuss fears that they could be subject to witch hunts and see their careers stall under the new administration. A few of Trump's top aides have spoken out against radical Islamism in such harsh terms that some Muslims believe the aides are opposed to the religion of Islam as a whole.

Steven Aftergood, who directs the Project on Government Secrecy at the Federation of American Scientists, indicated that it's too soon to say if there's a broad trend of bureaucratic resistance to Trump taking hold.

"Quite a few federal employees seem to be looking for constructive ways to express discontent," he said. "Meanwhile, tension is still growing, not subsiding."

EPA employees are uniquely concerned about their future, having faced barbs from Trump advisers who have toyed with cutting the agency's staff by two-thirds and from other Republicans who want to eliminate the agency altogether. So career staffers are discussing the best way to alert the public to what's happening behind the scenes.

"I'm suddenly spending my days comparing the importance of the oath I took when I started my career service and the code that I have as an American," an EPA employee said.

EPA employees have started reaching out to former Obama administration political appointees, who they hope will help them spread the word about any possible improper conduct at the agency.

"It's probably much safer to have those folk act as the conduit and to act as the gathering point rather than somebody in the agency," the employee said. "You're putting your career and your livelihood and your paycheck at risk every time you talk to somebody."

Organizations like the Government Accountability Project have been busy as federal employees fret about what their new bosses may ask them to do.

"We've had a significant number of federal employees who have contacted us in recent weeks," said Louis Clark, the nonprofit's CEO. "It has to be the largest influx of people trying to reach us that we've seen."

The largest group of callers? "The people who want to know what to do if they're asked to violate the law," Clark said.

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